

Clerk to issue order of seizure.

Duty of sheriff.

Bond of defendant.

Judgment.

§8 amended.

Penalty for violation of act.

Seizure, &c., of fertilizers sold or offered for sale without license.

§9 amended.

Copy of label to be filed with

them. Whereupon the clerk shall issue his order to the sheriff of the county to seize and hold all the fertilizers in the possession of the defendant, labeled or stamped as the affidavit described. And the sheriff shall seize and hold the fertilizers so seized until ordered to be surrendered by the judge in term time: unless the defendant shall give bond with justified surety, in double the value of the fertilizers seized, to answer the judgment of the court, in which case he shall surrender the fertilizer to the defendant and file this bond in the office of the clerk of the superior court, and thereafter the action shall be prosecuted according to the course of the court. And if it shall be established in the trial that the fertilizers seized are deficient, or inferior to the analysis represented on the stamp or brand, then the plaintiff in said action shall recover judgment on the defendant's bond for the value of the fertilizers seized.

SEC. 2. That section eight of chapter two hundred and seventy-four, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by striking out the word "and" between the words "fine" and "imprisonment" in the last line of said section, and insert the word "or," so that it shall read "fine or imprisonment;" and by adding to the end of said section the following: "And all fertilizers so sold, or offered for sale, shall be subject to seizure and condemnation in the same manner as is provided in section one of this act for the seizure and condemnation of spurious fertilizers, subject, however, to the discretion of the board of agriculture to release the fertilizers so seized and condemned, upon the payment of the license tax, and all costs and expenses incurred by the department in such proceeding."

SEC. 3. That section nine of said act be amended by inserting after the word "stamp," in the third line of said section, the following clause: "a copy of which shall be filed with the commissioner of agriculture at or before